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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES MOODY,

7 Plaintiff,

8 v.

9 SCOTT FRAKES,

10 Defendant.

Case No. C09-5204RJB-KLS

ORDER FOR SERVICE AND RETURN, §
2254 PETITION

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12 The Court hereby ORDERS as follows:

13 (1) The Clerk shall arrange for service by certified mail upon respondent and the
14 Attorney General for the State of Washington, copies of the petition, and all documents in
15 support thereof. All costs of service shall be advanced by the United States. The Clerk shall
16 assemble the necessary documents to effect service. In addition, the Clerk shall send petitioner a
17 copy of this Order, and the General Order.

18 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve
19 an answer in accordance with Rule 5 of the Rules Governing §2254 Cases in United States
20 District Courts. As part of such answer, respondent(s) should state whether petitioner has
21 exhausted available state remedies, whether an evidentiary hearing is necessary, and whether
22 there is any issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion
23 in place of an answer without first showing cause as to why an answer is inadequate.
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1 Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer
2 upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
4 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday
5 after the answer is filed, petitioner may file and serve a response not later than on the Monday
6 immediately preceding the Friday appointed for consideration of the matter, and respondent may
7 file and serve a reply brief not later than on the Thursday immediately preceding the Friday
8 designated for consideration of the matter.
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10 DATED this 5th day of May, 2009.

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14 Karen L. Strombom
15 United States Magistrate Judge
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